



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 3154-99

22 November 1999



Dear [REDACTED]

This is in reference to your request for further consideration of application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552, and your request for correction of your record to show that you were retired by reason of physical disability.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board did not reconsider your request for correction of your record to show that you were honorably transferred to the Fleet Reserve, vice discharged under honorable conditions by reason of misconduct, because you did not submit any new material evidence which is probative of your contentions of error or injustice. With regard to your request for disability retirement, the Board was not persuaded that you were unfit to perform your duties by reason of physical disability at the time of your discharge. In addition, it noted that as a discharge by reason of misconduct generally takes precedence over and precludes disability evaluation processing, you would not have been entitled to disability retirement or separation even if you had been found unfit for duty.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director